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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AFT LOCAL 2121, *et al.*,

Plaintiffs,

vs.

ACCREDITING COMMISSION FOR  
COMMUNITY AND JUNIOR COLLEGES,  
*et al.*,

Defendants.

CASE NO. 3:16-cv-03411-HSG

**STIPULATION AND ORDER REGARDING  
CASE SCHEDULE AND REQUESTING TO  
ADVANCE HEARING DATE ON PLAINTIFFS'  
MOTION FOR LEAVE TO AMEND**

**STIPULATION REGARDING CASE SCHEDULE AND REQUESTING TO ADVANCE  
HEARING DATE**

WHEREAS following Defendant ACCJC's removal of this action to this Court, the parties entered into two stipulations that were approved by this Court, regarding the time for Plaintiffs to provide their proposed Second Amended Complaint ("SAC") to ACCJC to determine whether it would stipulate to the filing of the SAC, or else to file an opposition to ACCJC's pending Motion to Dismiss the First Amended Complaint ("FAC") (Dkt. 8), *see* Dkt. 19, 21;

WHEREAS the Court issued an order on August 11, 2016 granting Plaintiffs until August 25, 2016 to provide the SAC to ACCJC, and, if ACCJC would not stipulate to the filing of the SAC, ordering Plaintiffs to file a motion for leave to amend the complaint or file their opposition to the pending Motion to Dismiss no later than September 9, 2016 (Dkt. 25);

WHEREAS Plaintiffs timely provided the SAC to ACCJC on August 25, and ACCJC subsequently informed Plaintiffs that it would not stipulate to the filing of the SAC;

WHEREAS this Court had initially set a Case Management Conference for September 27, 2016 when the matter was assigned to this Court (Dkt. 16);

WHEREAS, pursuant to the Case Management Order (Dkt. 16), the parties met and conferred in advance of filing a Joint CMC statement on September 1, 2016, and in that meet-and-confer agreed that if the Court denied Plaintiffs' Motion for Leave to Amend the Complaint, Plaintiffs' opposition to ACCJC's pending Motion to Dismiss would be due seven days after the Court's order denying the Motion for Leave to Amend, and further agreed to so notify the Court in the Joint CMC statement;

WHEREAS during the parties' meet-and-confer, ACCJC's counsel Kenneth Keller asked that Plaintiffs set the hearing date on their Motion for Leave to Amend sufficiently early not to conflict with a trial in which Mr. Keller was scheduled to participate in mid-November;

WHEREAS Plaintiffs filed a Motion for Leave to Amend the Complaint on September 9, 2016 (*see* Dkt. 30; refiled pursuant to the clerk's directions as Dkt. 38), in accordance with the Court's August 11 scheduling order (Dkt. 25), noticed the motion for the first available hearing date on the Court's public law and motion calendar, which at that time was November 17, and apologized to Mr. Keller for being unable to select an earlier hearing date;

1 WHEREAS both the proposed SAC and the pending FAC concern, among other things, the  
2 impending decision of ACCJC in January 2017 as to the accreditation status of City College of San  
3 Francisco, which may result in the immediate termination of City College's accreditation, and  
4 therefore Plaintiffs believe it is important to settle the pleadings promptly, and if at all possible  
5 before the holiday season;

6 WHEREAS Plaintiffs' lead attorneys have significant conflicts on the November 17  
7 hearing date for the Motion for Leave to Amend, namely, Stephen Berzon will be recuperating  
8 from surgery that will take place in mid-October and has been instructed by his doctor not to return  
9 to work until late November, and Eileen Goldsmith is scheduled to be flying to Washington, DC,  
10 that day for a November 18 meeting of the national board of directors of the AFL-CIO Lawyers  
11 Coordinating Committee, of which she is a member;

12 WHEREAS Plaintiffs' counsel met and conferred with ACCJC's counsel regarding the  
13 hearing date for the Motion for Leave to Amend, and ACCJC agreed not to oppose Plaintiffs'  
14 request to advance the hearing date on the Motion for Leave to Amend to the Court's law and  
15 motion calendar on October 27 or November 3, 2016, subject to the Court's approval;

16 WHEREAS Ms. Goldsmith is further unavailable on November 10, 2016 because she will  
17 be arguing motions for final approval of class action settlement and for attorneys' fees in another  
18 matter in Los Angeles Superior Court on that date;

19 WHEREAS on September 15, 2016, the Court vacated the September 27 CMC and did not  
20 set a new CMC (Dkt. 43), and as a result the parties have not filed a Joint CMC statement;

21 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

22 1. Subject to Court approval, the hearing on Plaintiffs' Motion for Leave to Amend the  
23 complaint shall be advanced to October 27 or November 3, 2016 at 2:00 p.m., or as soon thereafter  
24 as is available on the Court's calendar.

25 2. If the Court were to deny Plaintiffs' Motion for Leave to Amend, Plaintiffs shall file  
26 their opposition to the Motion to Dismiss the FAC no later than seven days after the Court's order.  
27  
28

1 Dated: September 29, 2016

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7 By: s/ Eileen B. Goldsmith  
Eileen B. Goldsmith

9 *Attorneys for Plaintiffs*

10 Dated: September 29, 2016

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15 By: /s/ Thomas H. Sloan, Jr.  
Thomas H. Sloan, Jr.

**ORDER**

Pursuant to Stipulation, IT IS SO ORDERED. The hearing on Plaintiffs' Motion for Leave to Amend is set for November 3, 2016 at 2:00 p.m.

Dated: September 30, 2016

  
United States District Judge  
Haywood S. Gilliam, Jr.